claims in a single application when they are so linked as to form a single inventive concept. This is exactly the type of case for which the rule was promulgated, i.e., to avoid burdensome and unnecessary restrictions. For these reasons it is respectfully urged that the restriction requirement be rescinded.

The examiner has rejected claims 1-29 under 35 U.S.C. 102 over Smith, et al. In view of Hawley. It is respectfully submitted that this ground of rejection is not well taken. Please note that claims 14-15 were canceled by the last amendment.

The claims require that the alkoxysilane composition comprises a combination of an alkoxysilane, an organic solvent composition, water, and an optional base catalyst. The organic solvent composition comprises a relatively high volatility solvent having a boiling point of about 120 °C or less, and a relatively low volatility solvent. Importantly, the low boiling point solvent is selected from the group consisting of:

di(ethylene)glycol monomethyl ether, tri(ethylene)glycol monomethyl ether, tetra(ethylene)glycol monomethyl ether; di(propylene)glycol monomethyl ether, tri(propylene)glycol monomethyl ether, triethylene glycol monomethyl ether, and mixtures thereof.

On page 3 of the office action, the examiner has provided a lengthy analysis of the features of Smith and this invention. While the points mentioned may be true, they are irrelevant to the issue at hand. The process of this invention requires the formation of a composition including one or more of the above mentioned **monomethyl ethers.** Smith, et al only teach **ethylene glycol**, they do not teach or suggest the use of a **monomethyl ether**. The examiner seeks to fill this gap by a showing from Hawley that diethylene glycol monomethyl ether has a boiling point of 194 ° C. While this may be true, it is not relevant to the issues of this case. The fact that ethylene glycol and diethylene glycol monomethyl ether may have similar boiling points and water miscibility is insufficient to suggest that ethylene glycol may be substituted by diethylene glycol monomethyl ether. They are very

different chemical entities which are not analogs, homologs or isomers of one another and the use of one does not suggest the use of the other to one skilled in the art. Importantly, monomethyl ether containing compounds have better stability principally because they have only a **single OH group**. The solvents of Smith, et al have **two or more OH groups** which form an undesired bridging species. The present invention teaches away from Smith, et al since Smith, et al (at column 5, lines 35-40) advocate the use of ethylene glycol for exchanging with ethoxy groups on the alkoxysilane. Such undesirably crosslink and produce a low storage stability composition. Smith, et al simply do not mention or suggest a composition containing monomethyl ethers. The examiner is impermissibly using an "obvious to try" standard of patentability which is both legally and technically incorrect. It has been unexpectedly found that Smith's ethylene glycol undesirably crosslinks due to the multiple OH groups while this application's monomethyl ethers with a single OH group do not. Boiling point and water miscibility similarities are not sufficient to obviate the invention. Furthermore, it is submitted that since ethylene glycol and the monomethyl ethers are not analogs, homologs or isomers of one another, no *prima facie* case of obviousness has been presented in the first instance requiring rebuttal evidence. It is submitted that the rejection under 35 U.S.C. 103 is inappropriate and should be rescinded.

With regard to the rejection of claims 10-12 at the bottom of page of the office action, the applicants contradict the examiner's unsupported statement that a combined stream process is obvious. Applicants call upon the examiner either to provide prior art or a 37 C.F.R. 107 affidavit to support his position or rescind the rejection.

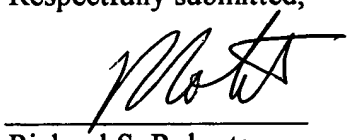
The examiner has again rejected claims 1-29 for obviousness type double patenting over Smith, et al 5,736,425 as well as U.S. 5,807,607. It is submitted that this ground of rejection is legally impermissible. Neither Smith, et al nor U.S. 5,807,607 claim a method wherein the alkoxysilane composition contain a **monomethyl ether**. The claims of Smith, et al 5,736,425 require a solvent which is ethylene glycol, 1,4-butylene glycol or 1,5-pentanediol. U.S. 5,807,607 require a solvent which is a **polyol**, specifically glycerol.

These are not **monomethyl ethers** and such polyols and monomethyl ethers are not analogs, homologs nor isomers and are therefore not suggestive of one another. For these reasons it is submitted that this ground of rejection should be rescinded.

The undersigned wishes to update this file by citing the references enumerated on the enclosed PTO 1449. I hereby certify that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. None of the references teach the use of monomethyl ethers as in this application. Please note that the PCT examiner considered the above Smith, et al reference U.S. 5,736,425 as a category "A" reference and only of value as background art which is not particularly relevant to the case.

The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the examiner believes there is any matter which prevents allowance of the present application, it is requested that the undersigned be contacted to arrange for an interview which may expedite prosecution.

Respectfully submitted,



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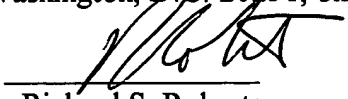
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage pre-paid in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on February 24, 2000.



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